UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,781	10/22/2003	Mitsuru Owada	00862.023275.	4538

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EXAMINER
CHU, RANDOLPH I

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _03 July 2008_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-5,8,10,11,13-17,19,21 and 22_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _1,4,5,8,10,11,13,16,17,19,21 and 22_ is/are rejected.

7) ☐ Claim(s) _2,3,14 and 15_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some * c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _4/28/2008, 7/3/2008_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received on 7/3/2008, all requested

changes to the claims have been entered.

Response to Argument

1.   Applicant's arguments filed on 7/3/2008 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims *1-5, 8, 10-11, 13-17, 19 and 21-22* are rejected under 35 USC 103(a) as

being unpatentable over Christopholos et al. (The JPEG 2000 still image coding system:

an Overview, IEEE Transaction on Consumer Electronics, Vol. 46 No. 4, pp 1103-1127,

Nov. 2000) in view of Labelle (US 2002/0176629).

With respect to claim 1, Christopholos et al. teaches,

determining a size of an image to be outputted (IV.2.3 Bit stream Parsing, given resolution(level)); decoding the encoded image data up to a layer of hierarchy which is one or more layers higher than a minimum number of layer/layers of hierarchy needed by an image to be equal to the determined size when image data is decoded to the minimum number of layer/layers of hierarchy (IV.2.3 Bit stream Parsing, IV.2.1 SNR scalability); and reducing the size of the decoded image to the determined size (does not require to reduce image when minimum number of layer/layers of hierarchy needed by an image to be equal to the determined size).

Christopholos et al. does not disclose expressly that determining whether the minimum number of layer/layers of hierarchy corresponds to all the layers of hierarchy of the encoded image data; decoding, if the determination proves true, all the layers of hierarchy of the encoded image data.

Labelle teaches that determining whether the minimum number of layer/layers of hierarchy corresponds to all the layers of hierarchy of the encoded image data; decoding, if the determination proves true, all the layers of hierarchy of the encoded image data (para. [0094] and [0118]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determine whether minimum resolution level is same as maximum resolution level in the method of Christopholos et al.

The suggestion/motivation for doing so would have been that there are no more than maximum resolution level to decode in discrete wavelet transform so that it is desire to determine maximum resolution level in order to make stable system.

Therefore, it would have been obvious to combine Labelle et al. with Christopholos et al. to obtain the invention as specified in claim 1.

With respect to claim 4, Christopholos et al. teaches, decoding a lowest layer of hierarchy of encoded image data among layer/layers which has/have not been decoded, comparing a size of an image obtained by decoding the encoded image data and the determined size, and repeating the decoding of a lowest layer of hierarchy of the encoded image data among the layer/layers which has/have not been decoded when the size of the decoded image is smaller than the determined size; and decoding a next lowest layer of hierarchy of the encoded image data (IV.2.3 Bit stream Parsing, IV.2.1 SNR scalability).

With respect to claim 5 Christopholos et al. teaches, acquiring a layer of hierarchy which is one layer more than a minimum number of layer/layers of hierarchy needed by an image to be equal to or exceed the determined size when image data is decoded to the minimum number of layer/layers of hierarchy using a look up table (table II, III) on the basis of a size of an image to be obtained by decoding all of the encoded image data and the determined image size; and encoding the encoded image data up to the acquired layer of hierarchy (IV.2.3 Bit stream Parsing, IV.2.1 SNR scalability).

With respect to claim 8, Christopholos et al. teaches the determined size includes horizontal pixel number information and vertical pixel number information (II. Applications-requirements-Features, Progressive transmission by pixel accuracy and resolution).

With respect to claim 10, Christopholos et al. teaches encoding method used conforms to JPEG2000 (IV.2.3 Bit stream Parsing)

With respect to claim 11, please refer to rejection for claim 1.

With respect to claim 13, please refer to rejection for claim 1.

With respect to claim 16, Christopholos et al. teaches, encoding a lowest layer of hierarchy of an image among layer/layers which has/have not been encoded, comparing a size of an encoded image and the determined size, and repeating encoding of a lowest layer of hierarchy of the image among the layer/layers which has/have not decoded when the size of the encoded image is smaller than the determined size; and encoding a next lowest layer of hierarchy of the image (IV.2.3 Bit stream Parsing, IV.2.1 SNR scalability).

With respect to claim 17, Christopholos et al. teaches, acquiring a layer of hierarchy which is one or more layers higher than a minimum number of layer/layers of hierarchy needed by an encoded image to be equal to or exceed the determined size using a look up table (table II, III) on the basis of a size of the image and the determined image size; and encoding the image up to the acquired layer of hierarchy (IV.2.3 Bit stream Parsing, IV.2.1 SNR scalability).

With respect to claim 19, Christopholos et al. teaches the determined size includes horizontal pixel number information and vertical pixel number information (II. Applications-requirements-Features, Progressive transmission by pixel accuracy and resolution).

With respect to claim 21, Christopholos et al. teaches encoding method used conforms to JPEG2000 (IV.2.3 Bit stream Parsing).

With respect to claim 22, please refer to rejection for claim 13.

Allowable Subject Matter

3.   Claims 2, 3, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable of rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/RIC/

/Matthew C Bella/

Supervisory Patent Examiner, Art Unit 2624